

REMARKS

Applicants submit that the present amendments place all of the claims in better condition for allowance. The amendments and new claims introduce no new matter, and are being presented to more particularly point out and distinctly claim Applicants' invention, as well as to correct certain errors in the claims and specification. In addition, the claims as amended are not intended to cover solution-spun polymers or fibers.

Claims 1 and 5 are being amended to recite that the polyurethane or polyurethane-urea is thermoplastic. No new matter is introduced by these amendments, which are supported in the specification as filed, *inter alia*, on page 5, lines 16-17.

Please cancel claim 13 without prejudice.

Claims 1 and 11 are being amended to replace the language "comprised of" with the conventional term of art "comprising". Claim 3 is being amended to insert "weight" before percent. This amendment is being made for clarity, and is supported throughout the specification, *inter alia* on page 4, lines 26-31. Claim 4 is being amended to correct an error in nomenclature by inserting "ethylene" to recite "poly(trimethylene-ethylene ether) glycol". Claim 5 is being amended to recite that the polyurethane or polyurethane-urea is prepared from a reaction mixture consisting essentially of poly(trimethylene-ethylene ether) glycol, diisocyanate, and a diol or diamine chain extender. This amendment is being made to exclude solvents from the reaction mixture, to in turn exclude solution processing. Claim 8 is being amended to correct a grammatical error. Claims 9 and 10 are being amended to insert the term "about", which was inadvertently omitted from the claims. Support for this amendment can be found at page 16, lines 25-31 and page 17, line 8 to page 18, line 16. Claims 14 and 15 are being amended for clarity, to recite "one or more" other glycols rather than "glycol(s)". Claim 16 is being amended to correct its dependency from claim 8 to claim 14, to provide antecedent basis for the phrase "the other polyether glycol". No new matter is added by these non-substantive amendments.

Claim 20 is being amended to recite that the prepolymer is prepared from a reaction mixture consisting essentially of poly(trimethylene-ethylene ether)

glycol and diisocyanate. This amendment introduces no new matter, and is being made to exclude solvents from the reaction mixture.

Claim 22 is being amended to recite that the polyurethane or polyurethane-urea is thermoplastic. Claim 22 is also being amended to delete the ratios of NCO:OH and NH<sub>2</sub>:NCO. Applicant submits that this amendment introduces no new matter, since the recited ratios pertained to a particular embodiment of the present invention. Moreover, Applicant submits that the newly added limitation that the polyurethane or polyurethane-urea is thermoplastic renders the recitation of ratios unnecessary. Claim 22 is also being amended to recite that the process consists essentially of the recited steps. This amendment introduces no new matter, and is intended to exclude solution processing of the polyurethane or polyurethane-urea. Claim 23 is being amended to properly depend from claim 22, which recites a process, rather than claim 17, which recites a polyurethane or polyurethane-urea.

Claim 25 is being amended to clearly indicate that the diisocyanate-terminated polyether-urethane prepolymer referred to in original claim 25 is prepared in accordance with the process of claim 21. That is, the diisocyanate-terminated polyether-urethane prepolymer of claim 25 is formed by reacting (i) diisocyanate and (ii) poly(trimethylene-ethylene ether) glycol having a number average molecular weight in the range of about 1,000 to about 5,000 while maintaining an NCO:OH equivalent ratio of about 1.1:1 to about 10:1. This amendment is supported in the application as filed, *inter alia*, in the claims as originally filed and at page 17, line 8 to page 18, line 16. Claim 25 is also being amended to recite that the process consists essentially of the recited steps. This amendment introduces no new matter, and is intended to exclude solution processing of the polyurethane or polyurethane-urea.

### **New claims**

New claim 27, directed to a fiber, is being added. This claim introduces no new matter, and is being added to more particularly point out one embodiment of Applicant's invention. Claim 27 is supported in the specification as filed, *inter alia*, on page 14, lines 3-8.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 1-15, 17-22, 24 and 26 are allowed. Applicants submit that claims 16, 23 and 25 are also allowable in view of the present amendments.

Claim 16 was rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention, for lacking proper antecedent basis for "the other polyether glycol". Applicant submits that claim 16, as amended, is definite and has proper antecedent basis for the language "the other polyether glycol". Accordingly, withdrawal of the rejection of claim 16 is respectfully requested.

Claim 23 was rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention, for reciting a process and depending from a claim directed to a polyurethane. Applicant submits that claim 23, as amended, properly depends from claim 22. Accordingly, withdrawal of the rejection of claim 23 is respectfully requested.

**Rejection under 35 U.S.C. § 102(b)**

Claim 25 was rejected under 35 U.S.C. § 102(b) as being anticipated by Slagel, U.S. Patent No. 4,404,353. The Examiner asserts that "Slagel discloses a process for making a polyurethane/urea from a diisocyanate terminated polyether prepolymer reacted with a diamine at an NH<sub>2</sub>/NCO ratio of 0.8-1/1".

Claim 25, as amended, recites that the prepolymer is prepared by reacting (i) diisocyanate and (ii) poly(trimethylene-ethylene ether) glycol having a number average molecular weight in the range of about 1,000 to about 5,000 while maintaining an NCO:OH equivalent ratio of about 1.1:1 to about 10:1. Slagel does not disclose a poly(trimethylene-ethylene ether) glycol, and therefore, Slagel does not anticipate Claim 25. Accordingly, Applicant respectfully request that the rejection of claim 25 under 35 U.S.C. § 102(b) be withdrawn.

**CONCLUSION**

Applicant submits that all of claims 1-27 are patentable over the prior art of record and are in condition for allowance. Accordingly, prompt issuance of a Notice of Allowance is respectfully requested.

The Commissioner is authorized to charge any fee due, or credit any overpayment, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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